

AF/IFW



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPELLANTS : Gagan Puranik, et al.  
APPLICATION NO. : 10/796,133  
FILED : March 10, 2004  
FOR : SYSTEMS AND METHODS FOR  
TRANSMITTING DATA IN A WIRELESS  
COMMUNICATIONS NETWORK  
ATTY. DOCKET NO. : 27048-034-011 (FORMERLY SKY03002)  
GROUP ART UNIT : 2617  
EXAMINER : Pierre-Louis DESIR

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By: \_\_\_\_\_

Pamela Merkadeau

**ATTENTION: Board of Patent Appeals and Interferences**

**APPEAL BRIEF**

Dear Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on January 9, 2007, and the Notice of Non-Compliant Appeal Brief mailed on September 14, 2007. To comply with the Notice of Non-Compliant Appeal Brief, the Appellants have amended the title of the appendix for copies of decisions rendered by a court or the Board in any proceeding to read “Related Proceedings Appendix.” This appendix is intentionally empty as no copies of decisions are being submitted because as indicated in “Section 2” of the Appeal Brief there are no related proceedings.

**1. REAL PARTY IN INTEREST**

The real party in interest in this matter is Bell Industries, Inc.

**2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals, interferences, or judicial proceedings known to Appellants, the undersigned attorney for Appellants, or the Assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**3. STATUS OF THE CLAIMS**

Claims 1-30 are pending in this application. Claims 1-30 were rejected. Appeal is taken from the rejection of claims 1-30.

**4. STATUS OF AMENDMENTS**

No amendments were filed subsequent to the Final Office Action dated July 28, 2006.

**5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The independent claims involved in the appeal are directed to a devices and methods that are capable of transmitting data via a number of different protocols. The claim language itself provides the best concise explanation of the subject matter defined in the specific claim.

Independent claim 1 is directed to a device for transmitting data via a number of different protocols. The device includes a wireless transceiver (260, 270); and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available. (220, 520, 530, 550, 560) (*See*, e.g., Specification, ¶¶23-39; FIGS. 2 and 5).

Independent claim 13 recites a method for transmitting data. The method includes selecting a wireless network from a group of wireless networks via which to transmit the data, the group of wireless networks including a faster terrestrial network and a slower terrestrial

network( 510, 520, 550); and transmitting the data via the selected wireless network. (530, 560) (See, e.g., Specification, ¶¶36-41; FIG. 5)

Independent claim 21 is directed to a device for transmitting data via a number of different protocols. The device includes a means for selecting a network from a group of terrestrial networks via which to transmit data, the device being capable of communicating with the selected network at a first speed that is different than another network in the group of terrestrial networks (220, 520, 530, 550, 560) and means for transmitting data via a selected network. (260,270) (See, e.g., Specification, ¶¶23-39; FIGS. 2 and 5).

Independent claim 22 is directed to a device for transmitting data via a number of different protocols. The device includes logic to select a network from a plurality of terrestrial networks, a first network in the plurality of terrestrial networks including a faster terrestrial network and a second network in the plurality of terrestrial networks including a slower terrestrial network (220, 520, 530, 550, 560); and a transceiver to transmit data via the selected network. (260, 270) (See, e.g., Specification, ¶¶23-39; FIGS. 2 and 5).

## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether the rejection of claims 1, 3, 6-9, 11-14, 16, 20-22 and 26-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5732359 ("Baranowsky, II et al.") in view of Pub. No. US 20020152268 ("Kureshy et al.") is proper.

Whether the rejection of claims 2, 19 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Baranowsky, II et al and Kureshy et al., further in view of Pub. No. US 20030119658 ("Menard") is proper.

Whether the rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Baranowsky, II et al, Kureshy et al., and Menard, further in view of Pub. No. US 20020085516 ("Bridgelall") is proper.

Whether the rejection of claim 4-5, 10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Baranowsky, II et al, and Kureshy et al., further in view of US 6898427 ("Griffith et al.") is proper.

Whether the rejection of claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Baranowsky, II et al and Kureshy et al., further in view of Pub. No. US 2003018015 ("Gunnarsson") is proper.

Whether the rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Baranowsky, II et al, Kureshy et al., and Menard further in view of Griffith et al. is proper.

## 7. ARGUMENT

### A. Claims 1, 13, 21, and 22 are patentable over Baranowsky, II et al. in view of Kureshy et al.

The three basic criteria for establishing a *prima facie* case of obviousness are articulated in M.P.E.P. § 2142. See also MPEP §§ 706.02(j), 2143-2143.03; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) First, there must be some suggestion or motivation, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations.

Independent claim 1 is directed to a device including “a wireless transceiver; and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available.” Baranowsky, II et al. and Kureshy et al. do not disclose or suggest this combination of features.

For example, Baranowsky, II et al. and Kureshy et al. do not disclose or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network.” The Examiner appears to rely on Baranowsky, II et al. for allegedly disclosing logic to determine, when a first network is unavailable, whether a second network is available (Final Office Action, pg. 3). The Examiner admits, however, that Baranowsky, II et al. does not disclose a second terrestrial network or that the second terrestrial network is slower than the first terrestrial network and relies on Kureshy et al. for allegedly disclosing these features (Final Office Action, pg. 3). Appellants strenuously object to the piecemeal examination of this claim.

That is, instead of addressing the feature of “logic to determine, when a first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” (as recited in claim 1), the Examiner

points to one reference for allegedly disclosing determining whether a second network is available and to a second reference for allegedly disclosing that the second network is a slower terrestrial network. Such attempts at reconstructing Appellants' claims are clearly impermissible.

Moreover, even assuming, for the sake of argument, that Kureshy et al. discloses first and second terrestrial networks, where the second terrestrial network is slower than the first terrestrial network (a point that Appellants do not concede), Appellants submit that one skilled in the art would not have been motivated to incorporate this alleged teaching of Kureshy et al. into the Baranowsky, II et al. system, absent impermissible hindsight.

With respect to motivation, in the Final Office Action mailed July 28, 2006, the Examiner alleges:

it would have been obvious ... to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to provide continuous transition as related to network access.

The Examiner, in the Advisory Action, dated October 20, 2006, then restates that there is a motivation in the references, "to provide continuous transition as related to network access", Appellants respectfully disagree that such exists in the references.

Baranowsky, II et al. discloses a mobile telephone having the ability to hand off an ongoing call from a cellular network to a satellite network (*See*, for example, Abstract). Thus, the Baranowsky, II et al. system already provides continuous transition as related to network access. Appellants submit that Baranowsky, II et al. does not disclose or suggest a desire to include a second terrestrial network, which is slower than the cellular network (which the Examiner alleges corresponds to the recited first terrestrial network) disclosed in Baranowsky, II et al. Appellants submit that the Examiner's motivation for incorporating a second, slower terrestrial network into the Baranowsky, II et al. system is impermissibly gleaned from Appellants' own disclosure. The Examiner has not pointed to any suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to incorporate Kureshy et al.'s alleged disclosure of first and second terrestrial networks, where the second terrestrial network is slower than the first terrestrial network, into the Baranowsky, II et al. system. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that

depend there from, are patentable over Baranowsky, II et al. in view of Kureshy et al., whether taken alone or in any reasonable combination. Independent claims 13, 21, and 22 recite features similar to the features described above with respect to claim 1. Therefore, claims 13, 21, and 22, and the claims that depend there from are patentable over Baranowsky, II et al. in view of Kureshy et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

**B. Claims 1, 13, and 22 are patentable over Baranowsky, II et al. and Kureshy et al., in further view of Menard**

Independent claim 1 is directed to a device including "a wireless transceiver; and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available." Baranowsky, II et al., Kureshy et al. and Menard do not alone or in combination disclose or suggest the claimed subject matter

As discussed above in Section A Baranowsky, II et al and Kureshy et al. do not alone or in combination disclose teach or suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network" as recited in claim 1.

Menard does not cure the deficiencies of Baranowsky et al. and Kureshy et al. Menard also fails to disclose, teach or suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network"

Therefore, even if Menard were combined with Baranowsky, II et al and Kureshy et al. the combination would neither teach nor suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network" as recited in claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that depend there from, are patentable over Baranowsky, II et al. and Kureshy et al., in further view of Menard whether taken alone or in any reasonable combination. Independent claims 13 and 22 recite features similar to the features described above with respect to claim 1. Therefore, claims

13 and 22, and the claims that depend there from are patentable over Baranowsky, II et al. and Kureshy et al., in further view of Menard whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

**C. Claim 22 is patentable over Baranowsky, II et al., Kureshy et al. and Menard, in further view of Bridgelall.**

Independent claim 1 is directed to a device including “a wireless transceiver; and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available.” Baranowsky, II et al., Kureshy et al., Menard and Bridgelall do not alone or in combination disclose or suggest the claimed subject matter

As discussed above in Section B, Baranowsky, II et al , Kureshy et al. and Menard do not alone or in combination disclose teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

Bridgelall does not cure the deficiencies of Baranowsky et al., Kureshy et al., and Menard. Bridgelall also fails to disclose, teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network”

Therefore, even if Bridgelall were combined with Baranowsky, II et al., Kureshy et al. and Menard the combination would neither teach nor suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that depend there from, are patentable over Baranowsky, II et al., Kureshy et al., and Menard in further view of Bridgelall whether taken alone or in any reasonable combination. Independent claims 22 recites features similar to the features described above with respect to claim 1. Therefore, claim 22, and the claims that depend there from are patentable over Baranowsky, II et al., Kureshy et al., and Menard in further view of Bridgelall whether taken alone or in any

reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

**D. Claims 1 and 13 are patentable over Baranowsky, II et al. and Kureshy et al., in further view of Griffith et al.**

Independent claim 1 is directed to a device including “a wireless transceiver; and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available.” Baranowsky, II et al., Kureshy et al., and Griffith et al. do not alone or in combination disclose or suggest the claimed subject matter

As discussed above in Section A, Baranowsky, II et al and Kureshy et al. do not alone or in combination disclose teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

Griffith et al. does not cure the deficiencies of Baranowsky et al. and Kureshy et al. Griffith et al. also fails to disclose, teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network”

Therefore, even if Griffith et al. were combined with Baranowsky, II et al and Kureshy et al. the combination would neither teach nor suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that depend there from, are patentable over Baranowsky, II et al. Kureshy et al. in further view of Griffith et al. whether taken alone or in any reasonable combination. Independent claims 13 recites features similar to the features described above with respect to claim 1. Therefore, claim 13, and the claims that depend there from are patentable over Baranowsky, II et al., Kureshy et al., in further view of Griffith et al. whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

**E. Claim 13 is patentable over Baranowsky, II et al. and Kureshy et al. in further view of Gunnarsson.**

Independent claim 1 is directed to a device including “a wireless transceiver; and logic to determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available.” Baranowsky, II et al., Kureshy et al. and Gunnarsson do not alone or in combination disclose or suggest the claimed subject matter

As discussed above in Section A, Baranowsky, II et al and Kureshy et al. do not alone or in combination disclose teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

Gunnarsson does not cure the deficiencies of Baranowsky et al. and Kureshy et al. Gunnarsson also fails to disclose, teach or suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network”

Therefore, even if Gunnarsson were combined with Baranowsky, II et al and Kureshy et al. the combination would neither teach nor suggest “logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that depend there from, are patentable over Baranowsky, II et al. and Kureshy et al. in further view of Gunnarsson whether taken alone or in any reasonable combination. Independent claim 13 recites features similar to the features described above with respect to claim 1. Therefore, claim 13 and the claims that depend there from are patentable over Baranowsky, II et al. and Kureshy et al. in further view of Gunnarsson whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

**F. Claim 22 is patentable over Baranowsky, II et al., Kureshy et al. and Menard, in further view of Griffith et al.**

Independent claim 1 is directed to a device including “a wireless transceiver; and logic to

determine whether a first terrestrial network is available for transmitting data, transmit the data to the first terrestrial network using the wireless transceiver when the first terrestrial network is available, determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network, and transmit the data to the second terrestrial network using the wireless transceiver when the second terrestrial network is available.” Baranowsky, II et al., Kureshy et al., Menard and Griffith et al. do not alone or in combination disclose or suggest the claimed subject matter.

As discussed above in Section B Baranowsky, II et al , Kureshy et al. and Menard do not alone or in combination disclose teach or suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

Griffith et al. does not cure the deficiencies of Baranowsky et al. and Kureshy et al. Griffith also fails to disclose, teach or suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network”

Therefore, even if Griffith et al. were combined with Baranowsky, II et al., and Kureshy et al. the combination would neither teach nor suggest "logic to determine, when the first terrestrial network is unavailable, whether a second terrestrial network is available, the second terrestrial network being slower than the first terrestrial network” as recited in claim 1.

For at least the foregoing reasons, Appellants submit that claim 1, and the claims that depend there from, are patentable over Baranowsky, II et al., Kureshy et al. and Menard in further view of Griffith et al. whether taken alone or in any reasonable combination. Independent claims 22 recites features similar to the features described above with respect to claim 1. Therefore, claim 22, and the claims that depend there from are patentable over Baranowsky, II et al., Kureshy et al., and Menard in further view of Griffith et al. whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

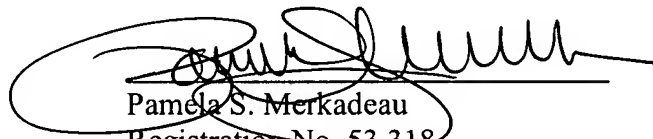
**CONCLUSION**

On the basis of the above remarks, Appellants respectfully submit that the final rejection should be reversed.

The Office is hereby authorized to charge any additional fees that may be necessary for consideration of this paper to Manatt, Phelps & Phillips Deposit Account No. **50-1847**.

Respectfully submitted,

Date: October 15, 2007

A handwritten signature in black ink, appearing to read 'Pamela S. Merkadeau', is written over a horizontal line. The signature is stylized with a large loop at the beginning and several smaller loops and strokes extending to the right.

Pamela S. Merkadeau

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**CLAIMS APPENDIX**

1. (Previously Presented) A device comprising:

a wireless transceiver; and

logic to:

determine whether a first terrestrial network is available for transmitting data,  
transmit the data to the first terrestrial network using the wireless transceiver  
when the first terrestrial network is available,

determine, when the first terrestrial network is unavailable, whether a second  
terrestrial network is available, the second terrestrial network being slower than the first  
terrestrial network, and

transmit the data to the second terrestrial network using the wireless transceiver  
when the second terrestrial network is available.

2. (Previously Presented) The device of claim 1 wherein the first terrestrial network comprises an  
IEEE 802.11-based network and the second terrestrial network comprises a ReFLEX-based  
network.

3. (Previously Presented) The device of claim 1 wherein the logic is further configured to:

determine, when the first terrestrial network is available, whether transmission of the data  
through the first terrestrial network was successful, and

perform the determining whether the second terrestrial network is available when the  
transmission of the data through the first terrestrial network was unsuccessful.

4. (Previously Presented) The device of claim 3 wherein the logic is further configured to:

determine, when the second terrestrial network is available, whether transmission of the  
data through the second terrestrial network was successful, and

store the data when the transmission of the data through the second terrestrial network  
was unsuccessful.

5. (Previously Presented) The device of claim 1 further comprising:

a memory, and

wherein the logic is configured to:

store the data in the memory for later transmission when the second terrestrial network is determined to be unavailable.

6. (Previously Presented) The device of claim 1 wherein the wireless transceiver comprises:

a first wireless transceiver to transmit data to the first terrestrial network, and

a second wireless transceiver to transmit data to the second terrestrial network.

7. (Original) The device of claim 6 wherein the first wireless transceiver transmits data at a different frequency than the second wireless transceiver.

8. (Original) The device of claim 6 wherein the first wireless transceiver transmits data using a different communication protocol than the second wireless transceiver.

9. (Original) The device of claim 6 wherein the first wireless transceiver transmits data using a different modulation technique than the second wireless transceiver.

10. (Previously Presented) The device of claim 1 wherein the logic is further configured to:

establish a connection with an enterprise device when the first terrestrial network is determined to be available.

11. (Previously Presented) The device of claim 1 wherein the logic is configured to:

determine whether the first terrestrial network is available in response to the device being powered up.

12. (Previously Presented) The device of claim 1 wherein the logic is configured to:

determine whether the first terrestrial network is available in response to the device having data to transmit.

13. (Previously Presented) A method for transmitting data, comprising:

selecting a wireless network from a group of wireless networks via which to transmit the data, the group of wireless networks including a faster terrestrial network and a slower terrestrial network; and

transmitting the data via the selected wireless network.

14. (Original) The method of claim 13 further comprising:

determining, prior to the transmitting, whether the selected wireless network is available;  
and

transmitting the data via another wireless network in the group of wireless networks when the selected wireless network is unavailable.

15. (Original) The method of claim 13 further comprising:

storing the data when none of the wireless networks in the group of wireless networks is available.

16. (Original) The method of claim 13 further comprising:

providing an indication of availability of each wireless network in the group of wireless networks.

17. (Original) The method of claim 16 wherein the indication comprises an audio indication.

18. (Original) The method of claim 16 wherein the indication comprises a visual indication.

19. (Previously Presented) The method of claim 13 wherein the faster terrestrial network comprises an IEEE 802.11-based network and the slower terrestrial network comprises a ReFLEX-based network.

20. (Original) The method of claim 13 wherein the selecting is performed automatically.

21. (Previously Presented) A device comprising:

means for selecting a network from a group of terrestrial networks via which to transmit data, the device being capable of communicating with the selected network at a first speed that is different than another network in the group of terrestrial networks; and

means for transmitting data via a selected network.

22. (Previously Presented) A device comprising:

logic to select a network from a plurality of terrestrial networks, a first network in the plurality of terrestrial networks including a faster terrestrial network and a second network in the plurality of terrestrial networks including a slower terrestrial network; and

a transceiver to transmit data via the selected network.

23. (Previously Presented) The device of claim 22 wherein the first network comprises an IEEE 802.11-based network and the second network comprises a ReFLEX-based network.

24. (Original) The device of claim 23 wherein the logic is configured to:

select the IEEE 802.11-based network to transmit data over the ReFLEX-based network when both networks are available.

25. (Original) The device of claim 23 further comprising:

logic to establish a connection with an enterprise device when the IEEE 802.11-based network is available.

26. (Previously Presented) The device of claim 22 wherein the transceiver comprises:

a transceiver for each network in the plurality of terrestrial networks.

27. (Original) The device of claim 22 wherein the logic is configured to select the network automatically.

28. (Original) The device of claim 22 wherein the logic is configured to select the network in response to an input from a user.

29. (Original) The device of claim 22 wherein the logic performs the selecting when data is to be transmitted from the device.

30. (Original) The device of claim 22 further comprising:  
logic configured to override the selection of the network.

**EVIDENCE APPENDIX**

None (no evidence is being relied upon by the Appellants).